



Sen. Emil Jones Jr.

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09500SB0128sam002

LRB095 05003 RAS 34296 a

1 AMENDMENT TO SENATE BILL 128

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 128 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by  
5 changing Section 4.18 and by adding Section 4.28 as follows:

6 (5 ILCS 80/4.18)

7 Sec. 4.18. Acts repealed January 1, 2008 and December 31,  
8 2008.

9 (a) The following Acts are repealed on January 1, 2008:

10 The Acupuncture Practice Act.

11 ~~The Clinical Social Work and Social Work Practice Act.~~

12 The Home Medical Equipment and Services Provider  
13 License Act.

14 The Nursing and Advanced Practice Nursing Act.

15 The Illinois Speech-Language Pathology and Audiology  
16 Practice Act.

1 The Marriage and Family Therapy Licensing Act.

2 The Nursing Home Administrators Licensing and  
3 Disciplinary Act.

4 The Pharmacy Practice Act of 1987.

5 The Physician Assistant Practice Act of 1987.

6 The Podiatric Medical Practice Act of 1987.

7 The Structural Pest Control Act.

8 (b) The following Acts are repealed on December 31, 2008:

9 The Medical Practice Act of 1987.

10 The Environmental Health Practitioner Licensing Act.

11 (Source: P.A. 94-754, eff. 5-10-06; 94-1075, eff. 12-29-06;  
12 94-1085, eff. 1-19-07; revised 1-22-07.)

13 (5 ILCS 80/4.28 new)

14 Sec. 4.28. Act repealed on January 1, 2018. The following  
15 Act is repealed on January 1, 2018:

16 The Clinical Social Work and Social Work Practice Act.

17 Section 10. The Clinical Social Work and Social Work  
18 Practice Act is amended by changing Sections 3, 5, 6, 9, 10.5,  
19 11, 12.5, 14, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, and 32 and  
20 by adding Section 7.3 as follows:

21 (225 ILCS 20/3) (from Ch. 111, par. 6353)

22 (Section scheduled to be repealed on January 1, 2008)

23 Sec. 3. Definitions: The following words and phrases shall

1 have the meanings ascribed to them in this Section unless the  
2 context clearly indicates otherwise:

3 1. "Department" means the Department of Financial and  
4 Professional Regulation.

5 2. "Secretary Director" means the Secretary Director of  
6 Financial and ~~the Department of~~ Professional Regulation.

7 3. "Board" means the Social Work Examining and Disciplinary  
8 Board.

9 4. "Licensed Clinical Social Worker" means a person who  
10 holds a license authorizing the independent practice of  
11 clinical social work in Illinois under the auspices of an  
12 employer or in private practice or under the auspices of public  
13 human service agencies or private, nonprofit agencies  
14 providing publicly-sponsored human services.

15 5. "Clinical social work practice" means the providing of  
16 mental health services for the evaluation, treatment, and  
17 prevention of mental and emotional disorders in individuals,  
18 families and groups based on knowledge and theory of  
19 professionally accepted theoretical structures, including, but  
20 not limited to, psychosocial development, behavior,  
21 psychopathology, unconscious motivation, interpersonal  
22 relationships, and environmental stress.

23 6. "Treatment procedures" means among other things,  
24 individual, marital, family and group psychotherapy.

25 7. "Independent practice of clinical social work" means the  
26 application of clinical social work knowledge and skills by a

1 licensed clinical social worker who regulates and is  
2 responsible for her or his own practice or treatment  
3 procedures.

4 8. "License" means that which is required to practice  
5 clinical social work or social work under this Act, the  
6 qualifications for which include specific education,  
7 acceptable experience and examination requirements.

8 9. "Licensed social worker" means a person who holds a  
9 license authorizing the practice of social work, which includes  
10 social services to individuals, groups or communities in any  
11 one or more of the fields of social casework, social group  
12 work, community organization for social welfare, social work  
13 research, social welfare administration or social work  
14 education. Social casework and social group work may also  
15 include clinical social work, as long as it is not conducted in  
16 an independent practice, as defined in this Section.

17 10. "Address of record" means the address recorded by the  
18 Department in the applicant's or licensee's application file or  
19 license file, as maintained by the Department's licensure  
20 maintenance unit.

21 (Source: P.A. 85-1440.)

22 (225 ILCS 20/5) (from Ch. 111, par. 6355)

23 (Section scheduled to be repealed on January 1, 2008)

24 Sec. 5. Powers and duties of the Department.

25 1. The Department shall exercise the powers and duties as

1 set forth in this Act.

2 2. The Secretary ~~Director~~ shall promulgate rules  
3 consistent with the provisions of this Act for the  
4 administration and enforcement thereof, and shall prescribe  
5 forms which shall be issued in connection therewith.

6 3. In addition, the Department shall:

7 (a) Establish rules for determining approved undergraduate  
8 and graduate social work degree programs and prepare and  
9 maintain a list of colleges and universities offering such  
10 approved programs whose graduates, if they otherwise meet the  
11 requirements of this Act, are eligible to apply for a license.

12 (b) Promulgate rules, as may be necessary, for the  
13 administration of this Act and to carry out the purposes  
14 thereof and to adopt the methods of examination of candidates  
15 and to provide for the issuance of licenses authorizing the  
16 independent practice of clinical social work or the practice of  
17 social work.

18 (c) Authorize examinations to ascertain the qualifications  
19 and fitness of candidates for a license to engage in the  
20 independent practice of clinical social work and in the  
21 practice of social work, and to determine the qualifications of  
22 applicants from other jurisdictions to practice in Illinois.

23 (d) Maintain rosters of the names and addresses of all  
24 licensees, and all persons whose licenses have been suspended,  
25 revoked or denied renewal for cause within the previous  
26 calendar year. These rosters shall be available upon written

1 request and payment of the required fee.

2 (Source: P.A. 85-1131.)

3 (225 ILCS 20/6) (from Ch. 111, par. 6356)

4 (Section scheduled to be repealed on January 1, 2008)

5 Sec. 6. Social Work Examining and Disciplinary Board.

6 (1) The Secretary ~~Director~~ shall appoint a Social Work  
7 Examining and Disciplinary Board consisting of 9 persons who  
8 shall serve in an advisory capacity to the Secretary ~~Director~~.  
9 The Board shall be composed of 6 ~~5~~ licensed clinical social  
10 workers, one of whom shall be employed in a public human  
11 service agency, one of whom shall be a certified school social  
12 worker, one of whom shall be employed in the private  
13 not-for-profit sector and one of whom shall serve as the  
14 chairperson, two licensed social workers, and one member ~~2~~  
15 ~~members~~ of the public who is ~~are~~ not regulated under this Act  
16 or a similar Act and who clearly represents ~~represent~~ consumer  
17 interests.

18 (2) Members shall serve for a term of 4 years and until  
19 their successors are appointed and qualified. No member shall  
20 be reappointed if such reappointment would cause that person's  
21 service on the Board to be longer than 8 successive years.  
22 Appointments to fill vacancies for the unexpired portion of a  
23 vacated term shall be made in the same manner as original  
24 appointments.

25 (3) The membership of the Board should represent racial and

1 cultural diversity and reasonably reflect representation from  
2 different geographic areas of Illinois.

3 (4) The Secretary ~~Director~~ may terminate the appointment of  
4 any member for cause.

5 (5) The Secretary ~~Director~~ shall consider the  
6 recommendation of the Board on all matters and questions  
7 relating to this Act.

8 (6) The Board is charged with the duties and  
9 responsibilities of recommending to the Secretary ~~Director~~ the  
10 adoption of all policies, procedures and rules which may be  
11 required or deemed advisable in order to perform the duties and  
12 functions conferred on the Board, the Secretary ~~Director~~ and  
13 the Department to carry out the provisions of this Act.

14 (7) The Board may ~~shall~~ make recommendations on all matters  
15 relating to continuing education including the number of hours  
16 necessary for license renewal, waivers for those unable to meet  
17 such requirements and acceptable course content. Such  
18 recommendations shall not impose an undue burden on the  
19 Department or an unreasonable restriction on those seeking  
20 license renewal.

21 (8) The Board shall annually elect one of its members as  
22 chairperson and one as vice chairperson.

23 (9) Members of the Board shall be reimbursed for all  
24 authorized legitimate and necessary expenses incurred in  
25 attending the meetings of the Board.

26 (10) A majority of the Board members currently appointed

1 shall constitute a quorum. A vacancy in the membership of the  
2 Board shall not impair the right of a quorum to perform all of  
3 the duties of the Board.

4 (11) Members of the Board shall have no liability in an  
5 action based upon a disciplinary proceeding or other activity  
6 performed in good faith as a member of the Board.

7 (Source: P.A. 90-150, eff. 12-30-97.)

8 (225 ILCS 20/7.3 new)

9 Sec. 7.3. Change of address. An applicant or licensee must  
10 inform the Department of any change of address, and such  
11 changes must be made either through the Department's website or  
12 by contacting the Department's licensure maintenance unit.

13 (225 ILCS 20/9) (from Ch. 111, par. 6359)

14 (Section scheduled to be repealed on January 1, 2008)

15 Sec. 9. Qualification for clinical social worker license  
16 ~~license~~. A person shall be qualified to be licensed as a  
17 clinical social worker and the Department shall issue a license  
18 authorizing the independent practice of clinical social work to  
19 an applicant who:

20 (1) has applied in writing on the prescribed form;

21 (2) is of good moral character. In determining good moral  
22 character, the Department may take into consideration whether  
23 the applicant was engaged in conduct or actions that would  
24 constitute grounds for discipline under this Act;

1 (3) (A) demonstrates to the satisfaction of the Department  
2 that subsequent to securing a master's degree in social  
3 work from an approved program the applicant has  
4 successfully completed at least 3,000 hours of  
5 satisfactory, supervised clinical professional experience;  
6 or

7 (B) demonstrates to the satisfaction of the Department  
8 that such applicant has received a doctor's degree in  
9 social work from an approved program and has completed at  
10 least 2,000 hours of satisfactory, supervised clinical  
11 professional experience subsequent to the degree;

12 (4) has passed the examination for the practice of clinical  
13 social work as authorized by the Department; and

14 (5) has paid the required fees.

15 (Source: P.A. 90-150, eff. 12-30-97.)

16 (225 ILCS 20/10.5)

17 (Section scheduled to be repealed on January 1, 2008)

18 Sec. 10.5. Unlicensed practice; violation; civil penalty.

19 (a) Any person who practices, offers to practice, attempts  
20 to practice, or holds himself or herself out to practice as a  
21 clinical social worker or social worker without being licensed  
22 or exempt under this Act shall, in addition to any other  
23 penalty provided by law, pay a civil penalty to the Department  
24 in an amount not to exceed \$10,000 ~~\$5,000~~ for each offense, as  
25 determined by the Department. The civil penalty shall be

1 assessed by the Department after a hearing is held in  
2 accordance with the provisions set forth in this Act regarding  
3 the provision of a hearing for the discipline of a licensee.

4 (b) The Department may investigate any actual, alleged, or  
5 suspected unlicensed activity.

6 (c) The civil penalty shall be paid within 60 days after  
7 the effective date of the order imposing the civil penalty. The  
8 order shall constitute a judgment and may be filed and  
9 execution had thereon in the same manner as any judgment from  
10 any court of record.

11 (Source: P.A. 90-150, eff. 12-30-97.)

12 (225 ILCS 20/11) (from Ch. 111, par. 6361)

13 (Section scheduled to be repealed on January 1, 2008)

14 Sec. 11. Licenses; renewal; restoration; person in  
15 military service; inactive status.

16 (a) The expiration date and renewal period for each license  
17 ~~A license shall be issued for a 2 year period; however the~~  
18 ~~expiration date for licenses~~ issued under this Act shall be set  
19 by rule. The licensee may renew a license during the 60-day  
20 ~~30-day~~ period preceding its ~~the~~ expiration date by paying the  
21 required fee and by demonstrating compliance with any  
22 continuing education requirements. The Department shall adopt  
23 rules establishing minimum requirements of continuing  
24 education and means for verification of the completion of the  
25 continuing education requirements. The Department may, by

1 rule, specify circumstances under which the continuing  
2 education requirements may be waived. ~~Proof of having met the~~  
3 ~~minimum requirements of continuing education, as determined by~~  
4 ~~rule, shall be required for all license renewals. Pursuant to~~  
5 ~~rule, the continuing education requirements may, upon petition~~  
6 ~~to the Board, be waived in whole or in part for licensed social~~  
7 ~~workers or licensed clinical social workers who can demonstrate~~  
8 ~~their service in the Coast Guard or Armed Forces during the~~  
9 ~~period in question, an extreme hardship, or that the license~~  
10 ~~was obtained by examination or endorsement within the preceding~~  
11 ~~renewal period. The Department shall establish, by rule, a~~  
12 ~~means for the verification of completion of the continuing~~  
13 ~~education required by this Section. This verification may be~~  
14 ~~accomplished by audits of records maintained by licensees, by~~  
15 ~~requiring the filing of continuing education records with the~~  
16 ~~Department or an organization selected by the Department to~~  
17 ~~maintain these records, or by other means established by the~~  
18 ~~Department.~~

19 (b) Any person who has permitted a license to expire or who  
20 has a license on inactive status may have it restored by  
21 submitting ~~making~~ an application to the Department and filing  
22 proof of fitness, as defined by rule, to have the license  
23 restored, including, if appropriate, evidence, which is  
24 satisfactory to the Department, certifying the active practice  
25 of clinical social work or social work in another jurisdiction  
26 and by paying the required fee.

1        (b-5) If the person has not maintained an active practice  
2 in another jurisdiction which is satisfactory to the  
3 Department, the Department shall determine, ~~by an evaluation~~  
4 ~~program recommended by the Board and established by rule,~~ the  
5 person's fitness to resume active status ~~and the Department may~~  
6 ~~require the person to pass an examination.~~ The Department, ~~with~~  
7 ~~the recommendation of the Board,~~ may also require the person to  
8 complete a specific period of evaluated clinical social work or  
9 social work experience and may require successful completion of  
10 an examination.

11        (b-7) Notwithstanding any other provision of this Act  
12 ~~However,~~ any person whose license expired while on active duty  
13 with the armed forces of the United States, while called into  
14 service or training with the State Militia or in training or  
15 education under the supervision of the United States government  
16 prior to induction into the military service may have his or  
17 her license restored without paying any renewal fees if, within  
18 2 years after the honorable termination of that service,  
19 training or education, except under conditions other than  
20 honorable, the Department is furnished with satisfactory  
21 evidence that the person has been so engaged and that the  
22 service, training or education has been so terminated.

23        (c) A license to practice shall not be denied any applicant  
24 because of the applicant's race, religion, creed, national  
25 origin, political beliefs or activities, age, sex, sexual  
26 orientation, or physical impairment. ~~Any person who notifies~~

1 ~~the Department, in writing on forms prescribed by the~~  
2 ~~Department, may place his license on inactive status and shall~~  
3 ~~be excused from the payment of renewal fees until the person~~  
4 ~~notifies the Department in writing of his intention to resume~~  
5 ~~active practice.~~

6 ~~Any person requesting that his license be changed from~~  
7 ~~inactive to active status shall be required to pay the current~~  
8 ~~renewal fee and shall also demonstrate compliance with the~~  
9 ~~continuing education requirements.~~

10 ~~(d) Blank. Any licensed clinical social worker or~~  
11 ~~licensed social worker whose license is on inactive status~~  
12 ~~shall not engage in the independent practice of clinical social~~  
13 ~~work or in the practice of social work in the State of~~  
14 ~~Illinois. If an individual engages in the independent practice~~  
15 ~~of clinical social work or in the practice of social work while~~  
16 ~~on inactive status, that individual is considered to be~~  
17 ~~practicing without a license and is subject to the disciplinary~~  
18 ~~provisions of this Act.~~

19 (e) (Blank).

20 (f) (Blank).

21 (g) The Department shall indicate on each license the  
22 academic degree of the licensee.

23 (Source: P.A. 90-150, eff. 12-30-97.)

24 (225 ILCS 20/12.5)

25 (Section scheduled to be repealed on January 1, 2008)

1           Sec. 12.5. Endorsement. The Department may issue a license  
2 as a clinical social worker or as a social worker, without the  
3 required examination, to an applicant licensed under the laws  
4 of another jurisdiction if the requirements for licensure in  
5 that jurisdiction are, on the date of licensure, substantially  
6 equivalent to the requirements of this Act or to any person  
7 who, at the time of his or her licensure, possessed individual  
8 qualifications that were substantially equivalent to the  
9 requirements then in force in this State. An applicant under  
10 this Section shall pay the required fees.

11           ~~Applicants have 3 years from the date of application to~~  
12 ~~complete the application process. If the process has not been~~  
13 ~~completed in 3 years, the application shall be denied, the fee~~  
14 ~~shall be forfeited, and the applicant must reapply and meet the~~  
15 ~~requirements in effect at the time of reapplication.~~

16 (Source: P.A. 90-150, eff. 12-30-97.)

17 (225 ILCS 20/14) (from Ch. 111, par. 6364)

18 (Section scheduled to be repealed on January 1, 2008)

19           Sec. 14. Checks or order to Department dishonored because  
20 of insufficient funds. Any person who delivers a check or other  
21 payment to the Department that is returned to the Department  
22 unpaid by the financial institution upon which it is drawn  
23 shall pay to the Department, in addition to the amount already  
24 owed to the Department, a fine of \$50. The fines imposed by  
25 this Section are in addition to any other discipline provided

1 under this Act for unlicensed practice or practice on a  
2 nonrenewed license. The Department shall notify the person that  
3 payment of fees and fines shall be paid to the Department by  
4 certified check or money order within 30 calendar days of the  
5 notification. If, after the expiration of 30 days from the date  
6 of the notification, the person has failed to submit the  
7 necessary remittance, the Department shall automatically  
8 terminate the license or certificate or deny the application,  
9 without hearing. If, after termination or denial, the person  
10 seeks a license or certificate, he or she shall apply to the  
11 Department for restoration or issuance of the license or  
12 certificate and pay all fees and fines due to the Department.  
13 The Department may establish a fee for the processing of an  
14 application for restoration of a license or certificate to pay  
15 all expenses of processing this application. The Secretary  
16 ~~Director~~ may waive the fines due under this Section in  
17 individual cases where the Secretary ~~Director~~ finds that the  
18 fines would be unreasonable or unnecessarily burdensome.

19 (Source: P.A. 92-146, eff. 1-1-02.)

20 (225 ILCS 20/19) (from Ch. 111, par. 6369)

21 (Section scheduled to be repealed on January 1, 2008)

22 Sec. 19. Grounds for disciplinary action.

23 (1) The Department may refuse to issue, refuse to renew,  
24 suspend, or revoke any license, or may place on probation,  
25 censure, reprimand, or take other disciplinary or

1 non-disciplinary action deemed appropriate by the Department,  
2 including the imposition of fines not to exceed \$10,000 ~~\$1,000~~  
3 for each violation, with regard to any license issued under the  
4 provisions of this Act for any one or a combination of the  
5 following reasons:

6 (a) material misstatements of fact in furnishing  
7 information to the Department or to any other State agency  
8 or in furnishing information to any insurance company with  
9 respect to a claim on behalf of a licensee or a patient;

10 (b) violations or negligent or intentional disregard  
11 of this Act, or any of the rules promulgated hereunder;

12 (c) conviction of or entry of a plea of guilty or nolo  
13 contendere to any crime that is a felony under the laws of  
14 the United States or any state or territory thereof or that  
15 is a ~~felony or~~ misdemeanor, of which an essential element  
16 is dishonesty, or ~~of~~ any crime that ~~which~~ is directly  
17 related to the practice of the clinical social work or  
18 social work professions;

19 (d) making any misrepresentation for the purpose of  
20 obtaining licenses, or violating any provision of this Act  
21 or any of the rules promulgated hereunder;

22 (e) professional incompetence;

23 (f) malpractice;

24 (g) aiding or assisting another person in violating any  
25 provision or this Act or any rules;

26 (h) failing to provide information within 30 ~~60~~ days in

1 response to a written request made by the Department;

2 (i) engaging in dishonorable, unethical or  
3 unprofessional conduct of a character likely to deceive,  
4 defraud or harm the public as defined by the rules of the  
5 Department, or violating the rules of professional conduct  
6 adopted by the Board and published by the Department;

7 (j) habitual or excessive use or addiction to alcohol,  
8 narcotics, stimulants, or any other chemical agent or drug  
9 that results in a clinical social worker's or social  
10 worker's inability to practice with reasonable judgment,  
11 skill, or safety;

12 (k) discipline by another jurisdiction, if at least one  
13 of the grounds for the discipline is the same or  
14 substantially equivalent to those set forth in this  
15 Section;

16 (l) directly or indirectly giving to or receiving from  
17 any person, firm, corporation, partnership or association  
18 any fee, commission, rebate or other form of compensation  
19 for any professional service not actually rendered;

20 (m) a finding by the Board that the licensee, after  
21 having the license placed on probationary status, has  
22 violated the terms of probation;

23 (n) abandonment, without cause, of a client;

24 (o) wilfully filing false reports relating to a  
25 licensee's practice, including but not limited to false  
26 records filed with Federal or State agencies or

1 departments;

2 (p) wilfully failing to report an instance of suspected  
3 child abuse or neglect as required by the Abused and  
4 Neglected Child Reporting Act;

5 (q) being named as a perpetrator in an indicated report  
6 by the Department of Children and Family Services under the  
7 Abused and Neglected Child Reporting Act, and upon proof by  
8 clear and convincing evidence that the licensee has caused  
9 a child to be or failed to take reasonable steps to prevent  
10 a child from being an abused child or neglected child as  
11 defined in the Abused and Neglected Child Reporting Act;

12 (r) physical illness, ~~or~~ mental illness, or any other  
13 impairment or disability, including, but not limited to,  
14 deterioration through the aging process, or loss of motor  
15 ~~abilities and skills that which~~ results in the inability to  
16 practice the profession with reasonable judgment, skill or  
17 safety;

18 (s) solicitation of professional services by using  
19 false or misleading advertising; or

20 (t) violation of the Health Care Worker Self-Referral  
21 Act.

22 (2) (Blank).

23 (3) The determination by a court that a licensee is subject  
24 to involuntary admission or judicial admission as provided in  
25 the Mental Health and Developmental Disabilities Code, will  
26 result in an automatic suspension of his license. Such

1 suspension will end upon a finding by a court that the licensee  
2 is no longer subject to involuntary admission or judicial  
3 admission and issues an order so finding and discharging the  
4 patient, and upon the recommendation of the Board to the  
5 Secretary ~~Director~~ that the licensee be allowed to resume  
6 professional practice.

7 (4) The Department may refuse to issue or renew or may  
8 suspend the license of a person who (i) fails to file a return,  
9 pay the tax, penalty, or interest shown in a filed return, or  
10 pay any final assessment of tax, penalty, or interest, as  
11 required by any tax Act administered by the Department of  
12 Revenue , until the requirements of the tax Act are satisfied  
13 or (ii) has failed to pay any court-ordered child support as  
14 determined by a court order or by referral from the Department  
15 of Healthcare and Family Services.

16 (5) In enforcing this Section, the Board upon a showing of  
17 a possible violation may compel a person licensed to practice  
18 under this Act, or who has applied for licensure or  
19 certification pursuant to this Act, to submit to a mental or  
20 physical examination, or both, as required by and at the  
21 expense of the Department. The examining physicians shall be  
22 those specifically designated by the Board. The Board or the  
23 Department may order the examining physician to present  
24 testimony concerning this mental or physical examination of the  
25 licensee or applicant. No information shall be excluded by  
26 reason of any common law or statutory privilege relating to

1 communications between the licensee or applicant and the  
2 examining physician. The person to be examined may have, at his  
3 or her own expense, another physician of his or her choice  
4 present during all aspects of the examination. Failure of any  
5 person to submit to a mental or physical examination, when  
6 directed, shall be grounds for suspension of a license until  
7 the person submits to the examination if the Board finds, after  
8 notice and hearing, that the refusal to submit to the  
9 examination was without reasonable cause.

10 If the Board finds a person unable to practice because of  
11 the reasons set forth in this Section, the Board may require  
12 that person to submit to care, counseling, or treatment by  
13 physicians approved or designated by the Board, as a condition,  
14 term, or restriction for continued, reinstated, or renewed  
15 licensure to practice; or, in lieu of care, counseling or  
16 treatment, the Board may recommend to the Department to file a  
17 complaint to immediately suspend, revoke or otherwise  
18 discipline the license of the person. Any person whose license  
19 was granted, continued, reinstated, renewed, disciplined or  
20 supervised subject to such terms, conditions or restrictions,  
21 and who fails to comply with such terms, conditions, or  
22 restrictions, shall be referred to the Secretary ~~Director~~ for a  
23 determination as to whether the person shall have his or her  
24 license suspended immediately, pending a hearing by the Board.

25 In instances in which the Secretary ~~Director~~ immediately  
26 suspends a person's license under this Section, a hearing on

1 that person's license must be convened by the Board within 30  
2 ~~15~~ days after the suspension and completed without appreciable  
3 delay. The Board shall have the authority to review the subject  
4 person's record of treatment and counseling regarding the  
5 impairment, to the extent permitted by applicable federal  
6 statutes and regulations safeguarding the confidentiality of  
7 medical records.

8 A person licensed under this Act and affected under this  
9 Section shall be afforded an opportunity to demonstrate to the  
10 Board that he or she can resume practice in compliance with  
11 acceptable and prevailing standards under the provisions of his  
12 or her license.

13 (Source: P.A. 90-150, eff. 12-30-97.)

14 (225 ILCS 20/20) (from Ch. 111, par. 6370)

15 (Section scheduled to be repealed on January 1, 2008)

16 Sec. 20. Violations - Injunction - Cease and desist order.

17 1. If any person violates the provisions of this Act, the  
18 Secretary ~~Director~~ may, in the name of the People of the State  
19 of Illinois, through the Attorney General, petition for an  
20 order enjoining such violation or for an order enforcing  
21 compliance with this Act. Upon the filing of a verified  
22 petition, the court with appropriate jurisdiction may issue a  
23 temporary restraining order without notice or bond, and may  
24 preliminarily and permanently enjoin such violation. If it is  
25 established that such person has violated or is violating the

1 injunction, the court may punish the offender for contempt of  
2 court. Proceedings under this Section shall be in addition to  
3 all other remedies and penalties provided by this Act.

4 2. If any person shall hold herself or himself out as a  
5 licensed clinical social worker or licensed social worker and  
6 is not licensed under this Act, then any licensed clinical  
7 social worker, licensed social worker, interested party or any  
8 person injured thereby may petition for relief as provided in  
9 subsection (1) of this Section.

10 3. Whenever, in the opinion of the Department, a person  
11 violates any provision of this Act, the Department may issue a  
12 rule to show cause why an order to cease and desist should not  
13 be entered against such person. The rule shall clearly set  
14 forth the grounds relied upon by the Department and shall allow  
15 at least 7 days from the date of the rule to file an answer  
16 satisfactory to the Department. Failure to answer to the  
17 satisfaction of the Department shall cause an order to cease  
18 and desist to be issued.

19 (Source: P.A. 85-1131.)

20 (225 ILCS 20/21) (from Ch. 111, par. 6371)

21 (Section scheduled to be repealed on January 1, 2008)

22 Sec. 21. Investigations; notice and hearing. The  
23 Department may investigate the actions of any applicant or of  
24 any person holding or claiming to hold a license. The  
25 Department shall, before refusing to issue or renew a license,

1 at least 30 days prior to the date set for the hearing, notify,  
2 in writing, the applicant for, or holder of, a license of the  
3 nature of the charges and that a hearing will be held on the  
4 date designated. The Department shall direct the applicant or  
5 licensee to file a written answer to the Board under oath  
6 within 20 days after the service of the notice and inform the  
7 applicant or licensee that failure to file an answer will  
8 result in default being taken against the applicant or licensee  
9 and that the license or certificate may be suspended, revoked,  
10 placed on probationary status, or other disciplinary action may  
11 be taken, including limiting the scope, nature or extent of  
12 practice, as the Secretary ~~Director~~ may deem proper. Written  
13 notice may be served by personal delivery or certified or  
14 registered mail to the applicant or licensee at the applicant's  
15 last address of record ~~the last notification to the Department~~.  
16 In case the person fails to file an answer after receiving  
17 notice, his or her license or certificate may, in the  
18 discretion of the Department, be suspended, revoked, or placed  
19 on probationary status, or the Department may take whatever  
20 disciplinary action deemed proper, including limiting the  
21 scope, nature, or extent of the person's practice or the  
22 imposition of a fine, without a hearing, if the act or acts  
23 charged constitute sufficient grounds for such action under  
24 this Act. At the time and place fixed in the notice, the Board  
25 shall proceed to hear the charges and the parties or their  
26 counsel shall be accorded ample opportunity to present any

1 statements, testimony, evidence and argument as may be  
2 pertinent to the charges or to their defense. The Board may  
3 continue a hearing from time to time.

4 (Source: P.A. 87-1031.)

5 (225 ILCS 20/23) (from Ch. 111, par. 6373)

6 (Section scheduled to be repealed on January 1, 2008)

7 Sec. 23. Subpoenas - Depositions - Oaths. The Department  
8 shall have the power to subpoena and to bring before it any  
9 person and to take testimony either orally or by deposition, or  
10 both, with the same fees and mileage and in the same manner as  
11 prescribed in civil cases in the courts of this State.

12 The Secretary ~~Director~~, the designated hearing officer and  
13 every member of the Board shall have power to administer oaths  
14 to witnesses at any hearing which the Department is authorized  
15 to conduct, and any other oaths authorized in any Act  
16 administered by the Department.

17 (Source: P.A. 85-967.)

18 (225 ILCS 20/24) (from Ch. 111, par. 6374)

19 (Section scheduled to be repealed on January 1, 2008)

20 Sec. 24. Compelling Testimony. Any court, upon application  
21 of the Department, designated hearing officer or the applicant  
22 or licensee against whom proceedings under Section 19 ~~17~~ of  
23 this Act are pending, may enter an order requiring the  
24 attendance of witnesses and their testimony, and the production

1 of documents, papers, files, books and records in connection  
2 with any hearing or investigation. The court may compel  
3 obedience to its order by proceedings for contempt.

4 (Source: P.A. 85-967.)

5 (225 ILCS 20/25) (from Ch. 111, par. 6375)

6 (Section scheduled to be repealed on January 1, 2008)

7 Sec. 25. Findings and recommendations. At the conclusion of  
8 the hearing the Board shall present to the Secretary ~~Director~~ a  
9 written report of its findings of fact, conclusions of law and  
10 recommendations. The report shall contain a finding whether or  
11 not the licensee violated this act or failed to comply with the  
12 conditions required in this Act. The Board shall specify the  
13 nature of the violation or failure to comply, and shall make  
14 its recommendations to the Secretary ~~Director~~.

15 The report of findings of fact, conclusions of law and  
16 recommendation of the Board shall be the basis for the  
17 Department's order or refusal or for the granting of the  
18 license. If the Secretary ~~Director~~ disagrees with the  
19 recommendations of the Board, the Secretary ~~Director~~ may issue  
20 an order in contravention thereof. The Secretary ~~Director~~ shall  
21 provide a written report to the Board on any disagreement and  
22 shall specify the reasons for said action in the final order.  
23 The finding is not admissible in evidence against the person in  
24 a criminal prosecution brought for the violation of this Act,  
25 but the hearing and findings are not a bar to a criminal

1 prosecution brought for the violation of this Act.

2 (Source: P.A. 85-967.)

3 (225 ILCS 20/26) (from Ch. 111, par. 6376)

4 (Section scheduled to be repealed on January 1, 2008)

5 Sec. 26. Board - Rehearing. In any case involving the  
6 refusal to issue or to renew a license or to discipline a  
7 licensee, a copy of the Board's report shall be served upon the  
8 applicant or licensee by the Department, either personally or  
9 by registered or certified mail or as provided in this Act for  
10 the service of the notice of hearing. Within 20 days after such  
11 service, the applicant or licensee may present to the  
12 Department a motion in writing for a rehearing which shall  
13 specify the particular grounds therefor. If no motion for a  
14 rehearing is filed, then upon the expiration of the time  
15 specified for filing such a motion, or if a motion for  
16 rehearing is denied, then upon such denial, the Secretary  
17 ~~Director~~ may enter an order in accordance with recommendations  
18 of the Board, except as provided in Section 25 of this Act. ~~If~~  
19 ~~the applicant or licensee requests and pays for a transcript of~~  
20 ~~the record within the time for filing a motion for rehearing,~~  
21 ~~the 20-day period within which such a motion may be filed shall~~  
22 ~~commence upon the delivery of the transcript to the applicant~~  
23 ~~or licensee.~~

24 (Source: P.A. 86-615.)

1 (225 ILCS 20/27) (from Ch. 111, par. 6377)

2 (Section scheduled to be repealed on January 1, 2008)

3 Sec. 27. Rehearing ~~Director; rehearing~~. Whenever the  
4 Secretary ~~Director~~ believes justice has not been done in the  
5 revocation, suspension, or discipline of a license or refusal  
6 to issue or renew a license, he or she may order a rehearing.

7 (Source: P.A. 90-150, eff. 12-30-97.)

8 (225 ILCS 20/28) (from Ch. 111, par. 6378)

9 (Section scheduled to be repealed on January 1, 2008)

10 Sec. 28. Appointment of a hearing officer. The Secretary  
11 ~~Director~~ shall have the authority to appoint any attorney  
12 licensed to practice law in the State of Illinois to serve as  
13 the hearing officer in any action for refusal to issue or renew  
14 a license or permit or to discipline a licensee. The Secretary  
15 ~~Director~~ shall promptly notify the Board of any such  
16 appointment. The hearing officer shall have full authority to  
17 conduct the hearing. ~~At least one member of the Board shall~~  
18 ~~attend each hearing.~~ The hearing officer shall report his  
19 findings of fact, conclusions of law and recommendations to the  
20 Board and to the Secretary ~~Director~~. Upon receipt of the  
21 report, the ~~The Board shall have at least 60 days after receipt~~  
22 ~~of the report to~~ review it and ~~to~~ present its findings of fact,  
23 conclusions of law and recommendation to the Secretary  
24 ~~Director~~. If the Board does not present its report ~~within the~~  
25 ~~60 days period~~, the Secretary ~~Director~~ may issue an order based

1 on the report of the hearing officer. If the Secretary ~~Director~~  
2 disagrees with the recommendation of the Board or of the  
3 hearing officer, the Secretary ~~Director~~ may issue an order in  
4 contravention of the Board's report. The Secretary ~~Director~~  
5 shall promptly provide a written explanation to the Board on  
6 any such disagreement, and shall specify the reasons for such  
7 action in the final order.

8 (Source: P.A. 90-150, eff. 12-30-97.)

9 (225 ILCS 20/29) (from Ch. 111, par. 6379)

10 (Section scheduled to be repealed on January 1, 2008)

11 Sec. 29. Order or certified copy thereof - prima facie  
12 proof. An order or a certified copy thereof, over the seal of  
13 the Department and purporting to be signed by the Secretary  
14 ~~Director~~, shall be prima facie proof that:

15 (1) Such signature is the genuine signature of the  
16 Secretary ~~Director~~;

17 (2) Such Secretary ~~Director~~ is duly appointed and  
18 qualified; and

19 (3) The Board and the members thereof are qualified to act.

20 (Source: P.A. 85-967.)

21 (225 ILCS 20/32) (from Ch. 111, par. 6382)

22 (Section scheduled to be repealed on January 1, 2008)

23 Sec. 32. Temporary suspension of a license. The Secretary  
24 ~~Director~~ may temporarily suspend the license of a licensed

1 clinical social worker or licensed social worker without a  
2 hearing simultaneously with the institution of proceedings for  
3 a hearing provided for in Section 21 of this Act if the  
4 Secretary ~~Director~~ finds conclusive evidence indicating that a  
5 licensee's continuation in practice would constitute an  
6 imminent danger to the public. In the event the Secretary  
7 ~~Director~~ temporarily suspends such license without a hearing, a  
8 hearing by the Board shall be held within 30 days after such  
9 suspension has occurred.

10 (Source: P.A. 85-1131.)

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law."